

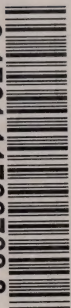
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Canada. Justice, Department of
Memorandum on the drafting
of acts of Parliament and sub-
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MEMORANDUM
ON
**THE DRAFTING OF ACTS OF PARLIAMENT
AND SUBORDINATE LEGISLATION**
(WITH APPENDICES)

OCTOBER, 1951
DEPARTMENT OF JUSTICE, OTTAWA

Prepared by
ELMER A. DRIEDGER, K.C., Parliamentary Counsel, Department of Justice



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FOREWORD

The drafting of a bill involves the use of special conventions for legislative style. The drafter must not only know the conventions but also know the framework of a given policy to which the bill is to be added. The drafter must also know the legislative process and the most important laws in drafting, for without such knowledge the drafter cannot draft a bill. The drafter must also know the legislative process and the most important laws in drafting, for without such knowledge the drafter cannot draft a bill. The drafter must also know the legislative process and the most important laws in drafting, for without such knowledge the drafter cannot draft a bill.

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FOREWORD

The drafting of a law consists in giving verbal expression to a legislative scheme. The draftsman does not, of course, determine the policy of the law, but within the framework of a given policy he must construct a complete and workable scheme. The formation of the legislative scheme is the first process, and the most important one, in drafting, for without substance there can be no form. Expressing the legislative scheme in appropriate language is the second process and, while it is subsidiary, the extent to which the legislative scheme is carried into effect depends entirely on the way it is expressed in language. Laws are expressed by means of legislative sentences, consisting of a number of essential elements

This memorandum does not deal with the formation of a legislative scheme; that is something that must be left to experience. Nor does it deal with the elements of a legislative sentence; that was adequately done by George Coode in his treatise on Legislative Expression. This memorandum deals only with the outward form of legislation, and is designed to assist a draftsman in giving his work a style calculated to reduce the possibility of ambiguity and obscurity, and to assist him in achieving consistency and uniformity.

Form alone cannot produce good legislation, but form is important, and a draftsman should follow a more or less rigid set of drafting rules. The rules contained in the following pages are based partly on forms that have gradually grown up in the statutes of Canada, partly on parliamentary rules and customs and partly on the ideas and experiences of the drafting officers of the Department of Justice. They are intended primarily as a guide to officers of the Department of Justice, but other persons who are concerned in the drafting of legislation may find something useful in them. Some of the rules are matter of taste or habit only and some are obviously peculiar to Acts of the Parliament of Canada. It is not always possible, or even desirable, to follow a set of rules without exception. The prime consideration must be clarity of expression and all drafting rules must be made to serve that objective.

E.A.D.

FOREWORD

The drafting of a law consists in giving verbal expression to a legislative scheme. The draftsman does not of course determine the policy of the law, but within the framework of a given policy he must construct a concrete and workable scheme. The formation of the legislative scheme is the first process, and the most important one in drafting, for without sufficient care in its formation, the legislative scheme in appropriate language is the second process, and while it is subsidiary, the extent to which the legislative scheme is carried into effect depends on the way it is expressed in language. Laws are executed by means of legislative schemes, consisting of a number of essential elements.

This memorandum does not deal with the formation of a legislative scheme, but it is intended to be of use to the draftsman in the drafting of a legislative scheme. It was originally done by George Lloyd in his capacity as Legislative Expression. This memorandum deals only with the drafting of a legislative scheme, and is designed to assist a draftsman in doing his work, and to assist in the drafting of a legislative scheme, and to assist in the drafting of a legislative scheme, and to assist in the drafting of a legislative scheme.

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I. RULES OF DRAFTING

1. Statutes and Regulations

The same rules should be applied to both statutes and regulations.

2. Short title

(1) A short title is not necessary, but it is a convenience. Care should be taken to see that a short title is not longer than the long title.

(2) The definite article preceding the title is not part of the title and should not be capitalized or italicized.

incorrect: This Act may be cited as *The Dairy Products Act*.

correct: This Act may be cited as the *Dairy Products Act*.

(3) A date may be included in the title, but it is not necessary to do so. Unless the enactment is an annual or recurrent one, a date should not be included.

3. Divisions

Enactments may be divided into Parts, sections, subsections and further subdivisions.

(1) Parts

(a) Parts are numbered by capital Roman numerals: Part I, Part IX, etc.

(b) It is usual to assign a heading to each Part.

(c) Care should be taken to see that definitions and general provisions are not confined to one Part when they are intended to operate with respect to other Parts as well.

(2) Sections and Subsections

(a) Sections are numbered by Arabic numerals—1, 2, 3, 4—and subsections by Arabic numerals in parentheses—(1), (2), (3), (4).

(b) Each section and each subsection is a complete grammatical sentence, and only one. Two or more sentences should not be included.

(c) So far as possible, sections and subsections should be self-contained. Words like “such” should not be used to refer to something outside the section or subsection.

(3) Paragraphs and Subparagraphs

(a) Paragraphs are indicated by small letters in parentheses—(a), (b), (c)—and subparagraphs by small Roman numerals in parentheses—(i), (ii), (iii).

(b) Sections and subsections are treated alike when paragraphs or subparagraphs are used.

(c) A paragraph or subparagraph is always a part of a sentence and never a whole sentence.

(d) Paragraphs and subparagraphs should never be used without general words *preceding* the paragraphs or subparagraphs.

incorrect: 3. (a) Every person who,, and

(b) every person who,
is guilty of an offence

correct: 3. Every person who

(a)

(b)

is guilty of an offence

or

3. Every person is guilty of an offence who

(a)

(b)

(e) The conjunction *and* or *or* should be added at the end of the penultimate paragraph or subparagraph.

(f) It does not follow that a section can be improved merely by dividing it into paragraphs and subparagraphs. Difficulties may arise in the following situations:

- (i) Where the case contains two or more elements and an attempt is made to eliminate repetition of a word or phrase common to all such elements.
- (ii) Where two or more distinct enactments are contained in one sentence, each following a different case or applicable to different subjects, and an attempt is made to eliminate repetition of a word or phrase common to the cases or subjects.
- (iii) Where an attempt is made to avoid repetition of an adjectival expression used in different positions.

The following are a few examples of the incorrect use of paragraphs:

1. Where a person

(a) who has been assessed for the tax imposed,

(b) and to whom a notice has been sent as required

by this Act fails to pay the tax within the time specified in the notice, the collector may

In this example the case contains two elements, and there is repetition of the words "by this Act". The section must be read twice before the paragraphs can be understood and there is doubt whether the words "by this Act" apply to both paragraphs. It could be written

Where a person

(a) who has been assessed for the tax imposed by this Act, and

(b) to whom a notice has been sent as required by this Act fails to pay

2. Where the net value of the estate

(a) does not exceed two thousand dollars the estate shall go to the widow, and

(b) exceeds two thousand dollars the widow is entitled to two thousand dollars and one-half the remainder.

In this example two separate enactments are merged in a single sentence, each following a different case. The one case is "Where the net value of the estate does not exceed two thousand dollars" and the other case is "Where the net value of the estate exceeds two thousand dollars". The words "Where the net value of the estate" are common to both, and in the foregoing example an attempt is made to eliminate repetition. The reader cannot grasp the meaning of paragraph (b) without going back and re-reading the opening words. This type of section does not lend itself to division into paragraphs and should be written

Where the net value of the estate does not exceed two thousand dollars the estate shall go to the widow, and where the net value of the estate exceeds (or, where it exceeds) two thousand dollars the widow is entitled to two thousand dollars and one-half the remainder.

In some cases, repetition can be avoided by stating a series of rules, as follows:

The estate shall be distributed according to the net value thereof as follows:

- (a) where it does not exceed two thousand dollars the estate shall go to the widow,
- (b) where it exceeds two thousand dollars etc.

3. Every inspector who

- (a) has committed an offence is liable on summary conviction to a fine of five hundred dollars, and
- (b) has been convicted of an offence shall be dismissed from office.

This is another example of two distinct enactments. There are two legal actions, one applicable to the legal subject "every inspector who has committed an offence" and one applicable to the legal subject "every inspector who has been convicted of an offence", and an attempt is made to eliminate repetition of the common words "every inspector who". The reader stumbles when he reaches paragraph (b). It should be written

Every inspector who has committed an offence under section three is liable on summary conviction to a fine of five hundred dollars, and every inspector who has been convicted of an offence under section three (or, under that section) shall be dismissed from office.

4. Every person who

- (a) in any application makes a false statement is guilty of an offence and
- (b) is ineligible for a further grant under this Act.

This is an attempt to make one adjectival phrase qualify three different things, but the manner in which it is done leaves doubt as to what is intended to be qualified. It would be better to repeat the qualifying phrase as follows:

Every person who makes a false statement in an application under this Act is guilty of an offence under this Act and is ineligible for a further grant under this Act.

The repetition of the words "under this Act" is not objectionable, but if it is desired to eliminate the repetition the definition section, if there is one, could be made to define an "application" to mean an "application under this Act" and to define "grant" to mean "grant under this Act".

(4) *Nomenclature*

(a) The nomenclature for divisions of statutes should be the same as for regulations. The divisions in regulations that correspond to sections in a statute should be called sections and not regulations, paragraphs, clauses, etc.

(b) The correct designation for both statutes and regulations is as follows:

1. section (not Section)

(2) subsection (not Subsection, Sub-section or sub-section)

(a) paragraph (not Paragraph)

- (i) subparagraph (not sub-paragraph, Sub-paragraph or Subparagraph)
 (A) clause (not Clause)
 (III) subclause (not Subclause, Sub-clause or sub-clause)

4. Marginal Notes

(1) Sections and subsections in statutes must have marginal notes. In regulations they are optional.

(2) A statement of the content of a section should be written in the margin and not in the body of the section. For example:

correct: Power to
 postpone
 distribution

44. A personal representative is not bound to distribute the estate of the deceased before the expiration of one year from the death.

incorrect: 44. **Power to postpone distribution.**—A personal representative is not bound, etc.

The incorrect form shown above leads to two errors. A draftsman who uses this form is inclined to use a paragraph designation instead of a subsection designation; he mistakes the note for general words forming part of the enactment, thus:

44. **Power to postpone distribution**—(a) A personal representative, etc.

Secondly, the heading or note may erroneously be treated as part of the enactment, thus:

44. **Power to postpone distribution.**—This may be done for one year from the death.

5. References to sections

(1) Compound references should never be used. The reference should always be full and complete.

<i>incorrect</i>	<i>correct</i>
subsection 6(3)	subsection (3) of section 6
subparagraph 3(2)(a)(ii)	subparagraph (ii) of paragraph (a) of subsection (2) of section 3
section 3(a)	paragraph (a) of section 3

(2) The Interpretation Act makes unnecessary expressions like “of this Act” or “of this section” or “of this subsection”.

6. Arrangement

The arrangement of the sections of an enactment depends largely upon the content of the enactment. The arrangement should be logical and in proper time sequence. For example, provisions creating a Board should precede provisions setting forth the powers or duties of the Board; and a statement of the effect of filing a document should follow provisions for filing.

The usual arrangement is:

1. Title
2. Interpretation
3. Main provisions
4. Administration
5. Penalties and Enforcement
6. Coming into force

7. Provisoes

A proviso should never be used. Historically and grammatically *provided that* is merely an enacting formula—i.e., *It is hereby provided that*. Formerly, each section was considered to be an independent enactment and had to have an enacting formula. The most popular were “It is hereby enacted that” or “It is hereby provided that”. The “provided that” formula was useful where a section contained a number of different provisions. Instead of repeating “And it is hereby provided that,” the draftsman could make “provided that” or “provided further” do, leaving the words “It is hereby” to be understood.

We now use one general enacting formula at the beginning of a statute or a set of regulations, applicable to every provision in it, and further enacting expressions should not be used.

8. Compound Verbs

A compound verb should not be split so that a fragment thereof is at the same time both active and passive, or is at the same time both auxiliary and verb.

<i>incorrect</i>	<i>correct</i>
Where a person has	Where a person
(a) filed a notice	(a) has filed
(b) been served	(b) has been served
(c) in his possession	(c) has in his possession

9. Ellipsis

The nature of the English language is such that elliptical expressions cannot be completely avoided, but in drafting legislation ellipses should be held to an absolute minimum, for the reason that readers will not all supply the same missing words. A draftsman who relies on absent words to convey his meaning is inviting ambiguity. Pronouns and verbs that are frequently omitted in ordinary speech or writing should be written into legislation.

- a person eligible (elliptical)
- a person *who is* eligible (complete)

10. Voice

The active voice should be preferred. Use of the passive form sometimes creates doubt as to what is intended. In “notice shall be given” it is not clear who is to give the notice.

11. Mood

(1) Where both subjunctive and indicative would be correct, the indicative should be used. The subjunctive is falling out of fashion. Thus, “if Parliament be then in session” should be “if Parliament is then in session”.

A proper case for the subjunctive is—

This Act applies to a Commissioner as though *he were* an Inspector as defined in this Act.

(2) The imperative should be used only where some person is commanded to do something. If no person is mentioned, or if, although mentioned, the person is not commanded, the imperative form should not be used.

<i>incorrect</i>	<i>correct</i>
"Minister" <i>shall mean</i>	"Minister" means
this Act <i>shall apply</i>	this Act <i>applies</i>
the contract <i>shall be</i> void	the contract <i>is</i> void
he <i>shall be</i> entitled	he <i>is</i> entitled
he <i>shall be</i> eligible	he <i>is</i> eligible
<i>shall be</i> liable	<i>is</i> liable

12. Tense

(1) The rule is that the law shall be considered as always speaking, and it is therefore a fallacy to assume that if a law is drafted in the present tense it will operate only with respect to situations existing at the time the Act is passed. Future forms should not be used.

<i>incorrect</i>	<i>correct</i>
if any person <i>shall give</i> notice	if any person <i>gives</i> notice
where any balance <i>shall have</i> <i>been</i> found	where any balance <i>has been</i> found
as the Minister <i>shall</i> prescribe	as the Minister <i>prescribes</i>

(2) The description of the facts should be in the present and perfect tenses. If the legal action and the facts are concurrent, both should be in the present tense. For example,

Where the Minister *is* of opinion *he may*

A police officer *may* seize where *he suspects* that an offence has been committed.

But where the facts are conditions precedent to the legal action, the facts should be expressed in the perfect tense.

Where the appellant *has served* notice of appeal, the respondent may

(3) The use of the perfect tense does not indicate a retrospective intent.

13. Definitions

(1) Definitions should not be too artificial. For example—

"dog" includes a cat
is asking too much of the reader;

"animal" means a dog or a cat
would be better.

(2) If the natural meaning of a word is to be enlarged, *includes* is the proper word.

"house" *includes* a barn

(3) If the meaning is to be confined or restricted, *means* is the proper word.

"house" *means* a dwelling house

(4) A word never *means and includes* something.

(5) A word in a definition section should begin with a capital or small letter according to its **use** in the body of the enactment.

14. Qualifying words

Care should be taken in the use of qualifying words. In the phrase "any gross carelessness or neglect", does "gross" qualify neglect? A re-arrangement will remove doubt.

any neglect or gross carelessness

any gross carelessness or gross neglect

15. Punctuation

(1) Punctuation should be used with care. Its use should be confined to facilitate reading rather than to convey meaning. In the example "any gross carelessness or neglect" a comma after "carelessness" might indicate that "gross" did not apply to "neglect", but it is too risky to rely on a comma alone to convey that meaning. The judges might ignore it, or the printers might drop it.

(2) Paragraphs and subparagraphs should be separated by commas rather than semicolons, unless the words "namely" or "that is to say" or "as follows" introduce the paragraphs or subparagraphs, or unless such words, although absent, must be read into the opening words.

16. The Regulations Act

It is not necessary to provide in an Act for publication and tabling of regulations. This is now taken care of by The Regulations Act.

17. The Interpretation Act

(1) An interpretation section need not contain the expression *unless the context otherwise requires*. Subsection (3) of section 2 makes definitions subject to the context.

(2) The law shall be considered as always speaking (section 10). This rule is discussed above.

(3) Whenever forms are prescribed, slight deviations therefrom, not affecting substance or calculated to mislead, do not invalidate them (section 31). It is therefore unnecessary, when prescribing a form, to add *or to like effect* or similar words.

(4) If a power is conferred or a duty imposed the power may be exercised and the duty shall be performed from time to time as occasion requires (section 31). The words *from time to time* are therefore usually unnecessary.

(5) Words importing male persons include female persons and corporations (section 31).

(6) Where a word is defined other parts of speech and tenses of the same word have corresponding meanings (section 31). This is a very useful rule. If *sale* is defined, it is unnecessary to define *sell*, *sold*, *seller*, etc.

(7) The word *person* includes a corporation (section 37).

(8) The word *shall* is to be construed as imperative, and *may* as permissive (section 37).

(9) Acts may be cited by the short title, with or without reference to chapter or year, and a reference to an Act includes amendments (section 42).

(10) Reference to two or more sections, etc., includes the first and last (section 43). The words *both inclusive* are unnecessary.

(11) Reference to a section, etc., shall be deemed to be a reference to the Act, etc., in which the reference is made (section 43). We can now say *section 2* instead of *section 2 of this Act*, or *subsection (2)* instead of *subsection (2) of this section*.

(12) Reference to a regulation shall be deemed to be a reference to the regulations made under the Act in which the reference is made (section 43). We can say *regulations* instead of *regulations made under this Act*.

18. Punishment

(1) Standard forms should be adopted. The most satisfactory form for statutes of Canada and regulations thereunder appears to be

Every person who is guilty (not, shall be guilty) of an offence and is (not, shall be) liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

The form must, of course, be varied to suit the occasion.

(2) A person is liable on summary conviction, but never on indictment. If the offence is indictable, the section should say "is liable on *conviction* upon indictment".

(3) A fine should not be called a penalty. Fines are payable only upon convictions, but penalties may be recoverable by civil action. If the two terms are confused, difficulties may occur in the application of general provisions in the Criminal Code relating to fines on the one hand and penalties on the other.

(4) It is not necessary to provide that if a fine is not paid, imprisonment may follow. This is provided for in the Criminal Code.

(5) It is not necessary to make the person convicted liable for the costs of prosecution. This is provided for in the Criminal Code.

(6) The Criminal Code contains limitation provisions applicable to all summary conviction offences, unless otherwise stated.

(7) The Criminal Code contains a penal section for infraction of Acts if no punishment is elsewhere provided.

19. Words and Expressions

(1) *such, said, the said, the same*

These words are usually unnecessary and frequently create doubts. In most cases an article or pronoun can be used, with better effect.

(2) *shall, may, will*

(a) The use of *shall* in the false imperative, and as a future auxiliary, has already been discussed. The word *shall* should be used whenever a command is intended. *It shall be the duty of* ought to be replaced by the single word *shall*.

(b) The permissive *may* should be used when the permissive is intended, rather than expressions like *It is lawful for* or *It shall and it is hereby declared to be lawful for*.

(c) The courts have on occasion construed *may* to mean *shall* and it has therefore become necessary in some cases to say *may in his discretion* or *may as he sees fit*, etc.

(d) *will* should never be used in place of *shall*.

(3) *that* or *which*

The Canadian Government Editorial Style Manual says (p. 131) that "Great care should be used to distinguish restrictive (defining) and descriptive (non-defining) relative clauses. Restrictive clauses should not be separated by

commas from the word they modify; with descriptive clauses, the comma is generally used. It is desirable to use the pronoun *that* to introduce a restrictive clause, and the pronoun *which* to introduce a descriptive clause". This view is fully supported by such authorities as the Fowlers and Eric Partridge. Most of the *whiches* in our statutes should be *thats*; a relative clause beginning with *which* is rarely needed. In

An explosive *which* appears to the Minister to be abandoned may be seized.
the *which* should be *that*.

But a *that* for a *which* is worse than a *which* for a *that*. In

The Minister shall prepare a list, *which* shall be called the "Property List", of all property under his administration.
the word *which* is correct, and the substitution of *that* for *which* with the consequent dropping of the commas would not be correct.

A difference in meaning may result from the use of *which* for *that* and *vice versa*. In a *certificate that the Minister may issue* the certificate is defined as one that the Minister has power to issue; hence, one must look elsewhere to find the authority for issuing the certificate. But in a *certificate, which the Minister may issue*, the certificate is not defined, and the words *which the Minister may issue* confer power on the Minister to issue the certificate.

(4) *and which*

An *and which* is sometimes proper, but frequently not. Unless the draftsman is sure of himself, he should consult the Fowlers before he uses it. If *that* and *which* are properly used, there is not much danger of transgressing the tricky *and which* rules.

(5) *who and who, that and that, where and where*

Care should be taken in repeating words like *who*, *that* and *where*. For example:

A person *who* has attained the age of 21 years *and who* is a Canadian citizen *and who* has resided in the province for at least one year is entitled to vote.

This section is open to the construction that a person who has attained the age of 21 years is entitled to vote irrespective of his citizenship or residence; or that a Canadian citizen may vote irrespective of his age or residence; or that a resident may vote irrespective of his age or citizenship. If it is intended to describe one person only, and not three different classes, the *and whos* should be deleted thus

A person who has attained the age of 21 years, is a Canadian citizen and has resided

Likewise with *that*. Does the following example refer to two agreements, or only one?

An agreement *that* was (not *which*) entered into before the coming into force of this Act *and that* provides

And so with *where*. Does the following example refer to two cases, in either of which the law will operate, or only one?

Where a writ of execution has issued *and where* the execution debtor cannot be found

(6) *preceding, last preceding, following, next following, above mentioned, foregoing*

References to other sections or subsections should be by number.

(7) *herein, hereinbefore, hereinafter, aforesaid*

Vague references to the contents of an Act should not be used.

(8) *heretofore, hereafter*

It is better to refer to an exact date or to the "coming into force of this Act" or "the commencement of this Act" rather than to say *heretofore* or *hereafter*.

(9) *any*

The word *any* can frequently be replaced by the indefinite article.

(10) *whatsoever, whatever, wheresoever*

These words are somewhat archaic and usually unnecessary.

(11) *and/or*

This device should be kept out of legislation.

(12) *where, when, whenever, in any case, if*

The description of the case in which the law operates can be introduced by a variety of expressions. One is perhaps as good as another, but it looks better to use a standard form. *Where* and *when* are the most common.

(13) *contained*

In expressions like "in this Act *contained*" the word *contained* is not necessary.

(14) *the provisions of*

Expressions like "Subject to *the provisions of* section 2" can be written "Subject to section 2".

(15) *already*

The word *already* is dangerous because it may create doubt as to whether the point of time is the passing of the Act or some event described in the enactment.

(16) *shall not be deemed*

Frequently *shall not be deemed* is used instead of the proper expression *shall be deemed not*. The expression *shall not be deemed* implies that elsewhere in the Act it is stated that something *shall be deemed* and it is now sought to negative that direction in a particular case by saying that it *shall not be deemed*. Where there is no other deeming provision, the correct form is *shall be deemed not*.

20. Amending and enacting formulæ

While an infinite variety of forms can be used to enact and amend laws, it is well to adhere to a more or less uniform system. The forms set out below are the most common and are recommended for statutes and regulations.

In an amending statute the present practice is to name in the first section the statute being amended, and thereafter to refer to the statute as "the said Act".

The citation of the Act is always given in the first section; this is unnecessary, but the practice is now firmly established. It is also customary to give the legislative history of a section; this is also unnecessary, but, again, the practice is firmly established. For example

Section six of the said Act, as enacted by section of chapter of the statutes of, is repealed.

Only the last complete re-enactment is referred to, and no reference is made to a previous amendment not affected by the amending statute. For example, if subsection two of a section was re-enacted, and it is now intended to re-enact subsection three, it is sufficient to say

Subsection three of section of the said Act
and not necessary to say

Subsection three of section of the said Act, *as amended*
by

(1) *Repeal*

(a) Section three of the said Act is repealed. (not "The said Act is amended by repealing section three thereof")

(b) Subparagraph (i) of paragraph (b) of subsection one of section three of the said Act is repealed.

(2) *Repeal and re-enactment*

Section four of the said Act is repealed and the following substituted therefor:

"4."

(3) *Inserting new section or subsection*

(a) The said Act is further amended by adding thereto, immediately after section four thereof, the following section:

"4A."

(b) Section six of the said Act is amended by adding thereto, immediately after subsection two thereof, the following subsection:

"(2a)"

(4) *Renumbering*

Renumbering should be avoided because of the confusion that is likely to arise. It is better to insert lettered sections or subsections: 4A, 4B, 4C; (2a), (2b), (2c). The renumbering is ultimately done in a revision or consolidation.

When renumbering is necessary, the following forms are used:

(a) Section six of the said Act is renumbered as section seven.

(b) Subsection three of section four of the said Act is renumbered as subsection four.

(5) *Reference to renumbered section*

Section six of the said Act, as renumbered by section of chapter of the statutes of

(6) *Re-enactment of general words preceding or following lettered paragraphs*

The portion of section three of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor:

(7) *Striking out words and substituting others*

This method of amendment is rarely used in statutes because of the rule of Parliament that ordinarily amendments shall be made by re-enactment. It is frequently used in regulations. The following forms are used:

(a) Section five of the said Act is amended by striking out the expression and substituting therefor the expression

(b) Section five of the said Act is amended by striking out the word where it first occurs therein and substituting therefor the word

(c) Sections four, six and ten of the said Act are amended by striking out the expression wherever it occurs therein and substituting therefor in each case the expression

- (d) Sections seven and nine of the said Act are amended by striking out the expressions and wherever they occur therein and substituting therefor in each case the expressions respectively.

(8) *Headings*

The heading . . (quote) . . immediately following (preceding) section ten of the said Act is repealed (and the following substituted therefor:).

(9) *Long Title*

1. The title of chapter one hundred and thirty-three of the Revised Statutes of Canada, 1927, "An Act respecting Pensions to the Permanent Militia, and for other purposes", is repealed and the following substituted therefor:

"An Act respecting Pensions for the Defence Services"

(10) *Order in Council*

An Order in Council is made on the recommendation of the Prime Minister or a Minister, and the document submitted takes the form of a recommendation.

To His Excellency

The Governor General in Council:

The undersigned has the honour to report:

That

That; and

That

The undersigned therefore has the honour to recommend that Your Excellency in Council, pursuant to the Act, be pleased to order as follows:

The Order in Council, based on the recommendation, then takes the following form:

Whereas

Whereas; and

Whereas

His Excellency the Governor General in Council, on the recommendation of the Minister of and by virtue of the powers conferred by the Act, is pleased to order as follows:

The form of the operative part of the recommendation may take one of two forms:

1. be pleased to order that the Regulations be amended as follows:

1. By revoking section two thereof.

2. By revoking section four thereof and substituting therefor the following:

2. be pleased to make the following order:

ORDER

1. Section two of the Regulations is revoked.

2. Section four of the said Regulations is revoked and the following substituted therefor:

The second form is recommended because it follows exactly the form of amending statutes and because no change in language is required to convert the recommendation into an Order in Council.

21. Commencement and Duration

By the Interpretation Act, Acts come into force on Royal Assent unless otherwise provided.

- (1) This Act shall come into force on a day (*not date*) to be fixed by proclamation of the Governor in Council.
- (2) This Act or any Part thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.
- (3) This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.
- (4) Sections four, eight and ten shall come into force on a day or days to be fixed by proclamation of the Governor in Council, and the remaining sections of this Act shall come into force on the day this Act is assented to.
- (5) Sections two and five shall come into force on the day this Act is assented to and the remaining sections of this Act shall come into force on a day to be fixed by proclamation of the Governor in Council.
- (6) This Act shall come into force on the first day of January, nineteen hundred and fifty-two.
- (7) This Act shall be deemed to have come into force on the first day of January, nineteen hundred and fifty-one.
- (8) This Act shall expire on the thirty-first day of December, nineteen hundred and fifty-five.

22. Good habits

1. Use a good dictionary.
2. Consult works on grammar for doubtful points.
3. Check names of ministers, departments, boards, officials, corporations, etc.
4. Check citations and titles of statutes referred to.
5. Check constantly references to other sections.
6. Use words and expressions consistently—different words should not be used to describe the same thing, and one word should not be used in different senses.
7. Check statutes for amendments.
8. Avoid the use of uncommon words or words that have not yet found a place in standard dictionaries.
9. Check fresh drafts against former drafts to see if anything has been omitted inadvertently.

II. PRINTING STYLE

Printing style is a matter of taste. The following is the practice generally observed in printing the statutes and regulations of Canada.

I. Capitals

(1) Such words as "Act", "Order in Council" and "Proclamation", when referring to an Act of the Parliament of Canada or to a particular order or proclamation of the Governor General in Council should begin with capitals.

(2) A reference in an Act to a schedule or form annexed to the Act should be "Schedule" and "Form"; but no capitals should be used where the reference to the schedule or form is general, e.g., *the Minister may prescribe forms*.

(3) Titles of books, statutes, newspapers or periodicals, including every important word in the title, begin with a capital.

(4) Names of months, days of the week, holidays and historical days begin with a capital.

(5) The titles of governments, departments of government, corporations and societies, together with each of the leading words in such titles, begin with a capital.

(6) When the title only of a person is given, or for sake of brevity, the full title of a government, department, corporation or society is not given, but the title used is intended to apply to a particular person, government, department, corporation or society, the word should begin with a capital, as *the Minister, the Department* (referring to a particular minister or department); *the Chief Justice*, (referring to a particular chief justice); *the Plaintiff* (referring to a particular plaintiff); otherwise if referring to any one of a class, or if the word is preceded by the indefinite article, as *a department, any chief justice, any plaintiff*.

(7) Geographical, national or personal qualifiers when used as nouns or before nouns in common use to specify merchandise, do not take capitals, as *india rubber, prussian blue, china*, etc. In other cases such words used as qualifiers should take a capital as *French language, American duties*.

(8) When a geographical or proper name is used to qualify another, such as island, river, street, etc., the qualified word should also take a capital, as *Kedron Valley, St. John River, the Valley of Kedron, the River of St. John, the Province of Ontario, the County of Carleton*.

(9) The name of any important epoch or event in history takes a capital, as *the Middle Ages, the Revolution, the Union*.

(10) Names of religious denominations, whether used as nouns or as adjectives, begin with capitals.

(11) In any enumeration of subjects introduced by governing words, the enumerations do not begin with capitals. For example,

The following persons are exempt from liability to service on juries:

- (a) members of the King's Privy Council for Canada;
- (b) judges of all courts of justice;
- (c) members of the executive councils of provinces;

(12) Likewise, where a section is divided into paragraphs and subparagraphs for the purpose of aiding or facilitating reading or construction, capitals should not be used. For example,

The Board may dispose of an appeal by

- (a) dismissing it, or
- (b) vacating the assessment.

(13) In the interpretation section the word defined will take a capital or not according to whether or not it is to begin with a capital in the text.

(14) Where an Act is divided into parts, the word "Part", wherever used in the statutes, referring to one of these, should begin with a capital.

(15) In the divisional headings over each group of sections each letter should be a small capital; otherwise as to the divisional sub-headings, which are printed in italics, and the leading words of which only should begin with a capital.

(16) The leading words of the short title begin with capitals, but the article "the" that precedes the title, should not begin with a capital.

2. Punctuation

(1) Where there is a list or enumeration of subjects intended each to occupy separate lines introduced by governing words followed by, *to wit, viz., namely*, or the like, expressed or understood, a colon is used at the end of the governing lines. Where, however, the division into paragraphs is made for the purpose of facilitating the reading and construction, no punctuation is used, or a comma, at the end of the opening words and at the end of the last paragraph, according to the nature of the sentence, and a comma is used at the end of each paragraph marked (a), (b), (c), etc., or subparagraph lettered (i), (ii), (iii), etc. A comma should not follow the conjunction "and" or "or" inserted between paragraphs or subparagraphs.

(2) A period is always used at the end of a subsection.

(3) Where figures or letters are used in parentheses to mark a paragraph there should be no period or other punctuation mark following the letter or figure. They should be printed thus: (a), (i).

3. Italics

(1) The names of books, newspapers, etc., when referred to, are printed in italics, as the *Canada Gazette*; so also a reference to the title of an imperial or provincial Act, as the *British North America Act, 1867*; also where an Act is referred to by reference to the long title, the title is italicized, including the article "An" preceding the title, as, the Act passed in the fifty-first year of Her late Majesty's reign, chapter fifty-two, intituled "*An Act to incorporate the South-Western Railway Company.*"

(2) The short title, but not including the article "the" preceding the short title, should be written in italics, whether printed at the beginning of the chapter, or used in other places for purposes of reference. The long title at the beginning of the chapter should not be in italics, but a reference in the text should be italicized.

4. Spelling

The preferred spelling in Murray's Oxford Dictionary should be followed.

5. Reference to subsections, etc.

Where the reference is to a paragraph or subparagraph by number the reference should include the parentheses, thus, *paragraph (a)*, *subparagraph (i)*.

6. Spacing and Arrangement

(1) Where there are lettered paragraphs they should be slightly moved over to the right; and if there are subparagraphs under these the subparagraphs should be moved still further to the right. The governing words at the beginning and end should maintain the uniform width of the page.

The following may serve as an example:

Where, by a trust created in any manner since 1934, property is held on condition

- (a) that it or property substituted therefor may
 - (i) revert to the person from whom the property or property for which it was substituted was directly or indirectly received, or
 - (ii) pass to persons to be determined by him at a time subsequent to the creation of the trust, or
- (b) that, during the lifetime of the person from whom the property or property for which it was substituted was directly or indirectly received, the property shall not be disposed of except with his consent or in accordance with his direction,

income from the property shall be deemed to be income of such person.

The general opening words and the general concluding words are brought out to a uniform left hand width. The lettered paragraphs are uniformly moved over to the right, and the numbered subparagraphs are uniformly moved over further to the right.

(2) There is one important exception to the rule stated above. Occasionally a section is divided into paragraphs, followed by general words, and then further divided into paragraphs. To avoid confusion, the paragraphs in the first group are lettered (a), (b), (c), etc., and the paragraphs in the second group are numbered (i), (ii), etc. The numbered paragraphs should be brought out to the left-hand side as far as the lettered paragraphs. For example

Subject to section fourteen, where in the opinion of the Board

- (a) a person is engaged or about to engage in an industrial enterprise in Canada,
 - (b) credit or other financial resources would not otherwise be available on reasonable terms and conditions, and
 - (c) the amount invested or to be invested in the industrial enterprise by persons other than the Bank and the character of the investment are such as to afford the Bank reasonable protection,
- the Bank may lend or guarantee loans of money to that person, and where that person is a corporation,
- (i) enter into underwriting agreements in respect of the whole or any part of any issue of stock, bonds or debentures of the corporation, and
 - (ii) purchase or otherwise acquire with a view to resale thereof the whole or any part of any issue of stock, bonds or debentures of the corporation from the corporation or from any person with whom the Bank has entered into an underwriting agreement in respect of the said issue and may subsequently sell or otherwise dispose of the said stock, bonds or debentures.

Alternatively the lettering could be carried throughout the whole provision, the first group being (a), (b), (c) as in the above example, and the second group (d), (e).

III. APPENDIX

1. An Act respecting the Form and Interpretation of Statutes.

CHAPTER 1 OF THE REVISED STATUTES OF CANADA, 1927,
AS AMENDED BY CHAPTER 36 OF THE STATUTES
OF 1931, BY CHAPTERS 6 AND 30 OF THE STATUTES
OF 1935, BY CHAPTER 64 OF THE STATUTES OF 1947
AND BY SECTION 2 OF CHAPTER 6 OF THE STATUTES
OF 1949 (1st Session).

(Office Consolidation)

SHORT TITLE

1. This Act may be cited as the Interpretation Act. Short title.

APPLICATION

2. Every provision of this Act shall extend and apply to To every Act.
- (a) every Act of the Parliament of Canada, now or hereafter passed, except in so far as any such provision
- (i) is inconsistent with the intent or object of such Act; or Exceptions.
- (ii) would give to any word, expression or clause of any such Act an interpretation inconsistent with the context; or
- (iii) is in any such Act declared not applicable thereto;
- (b) every order and regulation heretofore or hereafter passed by the Governor in Council in the execution of any powers delegated by statute, except in so far as any such provision is inconsistent with the intent or object of such order or regulation, or would give to any word expression or clause thereof an interpretation repugnant to the subject matter or the context, or is in any such order or regulation declared not applicable thereto. Application of Act to Orders in Council and regulations.
- (2) The omission in any Act of a declaration that this Act applies thereto, shall not be construed to prevent its so applying, although such a declaration is expressed in some other Act or Acts of the same session. No declaration necessary in any Act.
- (3) An interpretation section or provision in an Act shall be read and construed as subject to the same exceptions as those contained in subsection one. Exceptions in subsection one applicable to interpretation sections.
3. Nothing in this Act shall exclude the application to any Act of any rule of construction applicable thereto, and not inconsistent with this Act. Rules of construction not excluded. This Act applies to itself.
4. The provisions of this Act shall apply to the construction thereof, and to the words and expressions used therein.

FORM OF ENACTING

Enacting
clause.

5. The enacting clause of a statute may be in the following form:—"His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows".

Order of
clauses.

6. The enacting clause shall follow the preamble, if any, and the various clauses within the purview or body of the statute shall follow in a concise and enunciative form.

TIME OF COMMENCEMENT

Act to be
endorsed.

Endorse-
ment part
of Act.

Commence-
ment.

7. The Clerk of the Parliaments shall endorse on every Act, immediately after the title thereof, the day, month and year when the Act was, by the Governor General, assented to in His Majesty's name; such endorsement shall be taken to be a part of the Act, and the date of such assent shall be the date of the commencement of the Act, if no other commencement is therein provided.

AMENDMENT OR REPEAL

In same
session.

8. Any Act may be amended, altered or repealed by an Act passed in the same session of the Parliament.

RULES OF CONSTRUCTION

Every Act
applies to
all Canada.

Amending
Acts.

9. Every Act of the Parliament of Canada shall, unless the contrary intention appears, apply to the whole of Canada.

(2) No Act amending a previous Act which does not apply to all the provinces of Canada, and no enactment in any such amending Act, although of a substantive nature or form, shall apply to any province to which the amended Act does not apply, unless it is expressly provided that such amending Act or enactment shall apply to such province, or to all the provinces of Canada.

Law always
speaking.

10. The law shall be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same shall be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof, according to its spirit, true intent and meaning.

When to
come into
operation.

11. Where an Act, or any order in council, order, warrant, scheme, letters patent, rule, regulation, or by-law, made, granted, or issued, under a power conferred by an Act,

(a) is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day;

(b) is expressed to expire, lapse or otherwise cease to have effect on a particular day, the same shall be construed as ceasing to have effect immediately on the commencement of the following day.

Preliminary
proceed-
ings.

12. Where an Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant, or issue any instrument, that is to say, any order in council, order, warrant, scheme, letters patent, rule, regulation, or

by-law, to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, so far as may be necessary or expedient for the purpose of making the Act effective at the date of the commencement thereof, be exercised at any time after the passing of the Act, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for making the Act effective from its commencement, come into operation until the Act comes into operation.

13. Every Act shall, unless by express provision it is declared to be a private Act, be deemed to be a public Act. Acts to be deemed public.

14. The preamble of every Act shall be deemed a part thereof, intended to assist in explaining the purport and object of the Act. Preamble a Part.

(2) The marginal notes in the body of an Act and the reference to former enactments shall form no part of the Act but shall be deemed to be inserted for convenience of reference only. Marginal notes no part of Act.

15. Every Act and every provision and enactment thereof, shall be deemed remedial, whether its immediate purport is to direct the doing of any thing which Parliament deems to be for the public good, or to prevent or punish the doing of any thing which it deems contrary to the public good; and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Act and of such provision or enactment, according to its true intent, meaning and spirit. Every Act remedial.

16. No provision or enactment in any Act shall affect, in any manner whatsoever, the rights of His Majesty, his heirs or successors, unless it is expressly stated therein that His Majesty shall be bound thereby. His Majesty not bound.

17. No provision or enactment in any Act of the nature of a private Act shall affect the rights of any person, save only as therein mentioned or referred to. Private Acts.

18. Every Act shall be so construed as to reserve to Parliament the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person, whenever such repeal, amendment, revocation, restriction or modification is deemed by Parliament to be required for the public good. Powers of Parliament reserved.

(2) Unless it is otherwise expressly provided in any Act passed for the chartering of any bank, it shall be in the discretion of Parliament, at any time thereafter, to make such provisions and impose such restrictions, with respect to the amount and description of notes which may be issued by such bank, as to Parliament appears expedient. Bank charters.

19. Where any Act or enactment is repealed, or where any regulation is revoked, then, unless the contrary intention appears, such repeal or revocation shall not, save as in this section otherwise provided, Effect of repeal.

(a) revive any Act, enactment, regulation or thing not in force or existing at the time at which the repeal or revocation takes effect; or

- (b) affect the previous operation of any Act, enactment or regulation so repealed or revoked, or anything duly done or suffered thereunder; or
- (c) affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the Act, enactment or regulation so repealed or revoked; or
- (d) affect any offence committed against any Act, enactment or regulation so repealed or revoked, or any penalty or forfeiture or punishment incurred in respect thereof; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Act or regulation had not been repealed or revoked.

If other provisions substituted.

(2) If other provisions are substituted for those so repealed or revoked, then, unless the contrary intention appears,

- (a) all officers and persons acting under the Act, enactment or regulation so repealed or revoked shall continue to act, as if appointed under the provisions so substituted, until others are appointed in their stead; and
- (b) all proceedings taken under the Act, enactment or regulation so repealed or revoked, shall be taken up and continued under and in conformity with the provisions so substituted, so far as consistently may be; and
- (c) in the recovery or enforcement of penalties and forfeitures incurred, and in the enforcement of rights existing or accruing under the Act, enactment or regulation so repealed or revoked, or in any other proceedings in relation to matters which have happened before the repeal or revocation, the procedure established by the substituted provisions shall be followed as far as it can be adapted; and
- (d) if any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the Act or regulation whereby such other provisions are substituted, the penalty, forfeiture or punishment, if imposed or adjudged after such repeal or revocation, shall be reduced or mitigated accordingly.

Act or regulation ceasing to have effect deemed repealed or revoked.

(3) For the purposes of this section, where an Act expires, lapses or otherwise ceases to have effect it shall be deemed to be repealed and where a regulation expires, lapses or otherwise ceases to have effect it shall be deemed to be revoked.

Effect of revision or consolidation.

20. Whenever any Act or enactment is repealed, and other provisions are substituted by way of amendment, revision or consolidation,

- (a) all regulations, orders, ordinances, rules and by-laws made under the repealed Act or enactment shall continue good and valid, in so far as they are not inconsistent with the substituted Act or enactment, until they are annulled and others made in their stead; and
- (b) any reference in any unrepealed Act or in any rule, order or regulation made thereunder to such repealed Act or enactment, shall, as regards any subsequent transaction,

matter or thing, be held and construed to be a reference to the provisions of the substituted Act or enactment relating to the same subject-matter as such repealed Act or enactment; and, if there is no provision in the substituted Act or enactment relating to the same subject-matter, the repealed Act or enactment shall stand good, and be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to such unrepealed Act, or such rule, order or regulation made thereunder.

21. The repeal of any Act or enactment shall not be deemed to be or to involve a declaration that such Act or enactment was, or was considered by Parliament to have been previously in force. Repeal.

(2) The amendment of any Act shall not be deemed to be or to involve a declaration that the law under such Act was or was considered by Parliament to have been different from the law as it has become under such Act as so amended. Amendment.

(3) The repeal or amendment of any Act shall not be deemed to be or to involve any declaration whatsoever as to the previous state of the law. Repeal or amendment.

(4) Parliament shall not, by re-enacting any Act or enactment, or by revising, consolidating or amending the same be deemed to have adopted the construction which has by judicial decision or otherwise, been placed upon the language used in such Act, or upon similar language. Re-enactment.
Does not adopt judicial construction.

22. An Amending Act shall, so far as is consistent with the tenor thereof, be construed as one with the Act which it amends. Amendment a part of Act.

23. When the Governor General is authorized to do any act by proclamation, such proclamation is understood to be a proclamation issued under an order of the Governor in Council; but it shall not be necessary that it be mentioned in the proclamation that it is issued under such order. Proclamation to be made upon advice.

24. All officers now appointed or hereafter appointed by the Governor General, whether by commission or otherwise, shall remain in office during pleasure only, unless it is otherwise expressed in their commissions or appointments. Officers during pleasure.

25. Whenever by any Act of Parliament, or by a rule of the Senate or House of Commons, or by an order, regulation or commission made or issued by the Governor in Council, under any law authorizing him to require the taking of evidence under oath, evidence under oath is authorized or required to be taken, or an oath is authorized or directed to be made, taken or administered, the oath may be administered, and a certificate of its having been made, taken or administered, may be given by any one authorized by the Act, rule, order, regulation or commission to take the evidence, or by a judge of any court, a notary public, a justice of the peace, or a commissioner for taking affidavits, having authority or jurisdiction within the place where the oath is administered. Oath, who may administer.

26. If any sum of the public money is, by any Act, appropriated for any purpose, or directed to be paid by the Governor General, and no other provision is made respecting it, such sum shall be payable Public moneys, to be paid by warrant.

under warrant of the Governor General directed to the Minister of Finance and Receiver General, out of the Consolidated Revenue Fund of Canada.

Account.

(2) All persons entrusted with the expenditure of any such sum, or any part thereof, shall account for the same in such manner and form, with such vouchers, at such periods and to such officer as the Governor General directs.

Imprisonment, where.

27. If, in any Act, any person is directed to be imprisoned or committed to prison, such imprisonment or committal shall, if no other place is mentioned or provided by law, be in or to the common gaol of the locality in which the order for such imprisonment is made, or if there is no common gaol there, then in or to that common gaol which is nearest to such locality.

Keeper of gaol, duties of.

(2) The keeper of any such common gaol shall receive such person, and safely keep and detain him in such common gaol under his custody until discharged in due course of law, or bailed, in cases in which bail may, by law, be taken.

28. Every Act shall be read and construed as if any offence for which the offender may be

Indictable offences.

(a) prosecuted by indictment, howsoever such offence may be therein described or referred to, were described or referred to as an indictable offence;

Offences.

(b) punishable on summary conviction, were described or referred to as an offence; and

Criminal Code to apply.

all provisions of the Criminal Code relating to indictable offences, or offences, as the case may be, shall apply to every such offence.

Proclamations, etc., construed accordingly.

(2) Every commission, proclamation, warrant or other document relating to criminal procedure, in which offences which are indictable offences or offences, as the case may be, are described or referred to by any names whatsoever, shall be read and construed as if such offences were therein described and referred to as indictable offences, or offences, as the case may be.

References to.

29. Unless the context otherwise requires, a reference in any Act to

Summary Convictions Act.

(a) *The Summary Convictions Act* shall be construed as a reference to Part XV of the Criminal Code;

Summary Trials Act.

(b) *The Summary Trials Act* shall be construed as a reference to Part XVI of the Criminal Code;

Speedy Trials Act.

(c) *The Speedy Trials Act* shall be construed as a reference to Part XVIII of the Criminal Code.

Incorporation, effect of.

30. In every Act, unless the contrary intention appears, words making any association or number of persons a corporation or body politic and corporate shall

(a) vest in such corporation power to sue and be sued, to contract and be contracted with by their corporate name, to have a common seal, to alter or change the same at their pleasure, to have perpetual succession, to acquire and hold personal property or movables for the purposes for which the corporation is constituted, and to alienate the same at pleasure; and

- (b) vest in a majority of the members of the corporation the power to bind the others by their acts; and
- (c) exempt individual members of the corporation from personal liability for its debts or obligations or acts, if they do not violate the provisions of the Act incorporating them.

(2) No corporation shall be deemed to be authorized to carry on the business of banking unless such power is expressly conferred upon it by the Act creating such corporation. Banking powers.

- 31.** In every Act, unless the contrary intention appears, General rules.
- (a) if anything is directed to be done by or before a magistrate or justice of the peace, or other public functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done; Magistrates, etc.
 - (b) whenever power is given to any person, officer or functionary, to do or enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable such person, officer or functionary to do or enforce the doing of such act or thing; Powers.
 - (c) when any act or thing is required to be done by more than two persons, a majority of them may do it; Majorities.
 - (d) whenever forms are prescribed, slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate them; Forms.
 - (e) if a power is conferred or a duty imposed the power may be exercised and the duty shall be performed from time to time as occasion requires; Powers and duties.
 - (f) if a power is conferred or a duty imposed on the holder of any office as such, the power may be exercised and the duty shall be performed by the holder for the time being of the office; Idem.
 - (g) if a power is conferred to make any rules, regulations or by-laws, the power shall be construed as including a power, exercisable in the like manner, and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the rules, regulations or by-laws and make others; Rules, regulations and by-laws.
 - (h) if the time limited by any Act for any proceeding, or the doing of any thing under its provisions, expires or falls upon a holiday, the time so limited shall be extended to, and such thing may be done on the day next following which is not a holiday; If time falls on a holiday.
 - (i) words importing male persons include female persons and corporations; Masculine includes feminine,
 - (j) words in the singular include the plural, and words in the plural include the singular; Singular. and plural.
 - (k) words authorizing the appointment of any public officer or functionary, or any deputy, include the power of removing or suspending him, re-appointing or re-instating him, or appointing another in his stead, in the discretion of the authority in whom the power of appointment is vested; Removal and suspension.
 - (l) words directing or empowering a minister of the Crown to do any act or thing, or otherwise applying to him by his name of office, include a minister acting for, or, if the office Ministers and deputies.

is vacant, in the place of such minister, under the authority of an order in council, and also his successors in such office, and his or their lawful deputy;

Other
public
officers.

(m) words directing or empowering any other public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, include his successors in such office, and his or their lawful deputy;

Other
parts of
speech
and tenses.
'clear days'
and other-
wise.

(n) where a word is defined other parts of speech and tenses of the same word have corresponding meanings;

(o) where a number of days not expressed to be "clear days" is prescribed the same shall be reckoned exclusively of the first day and inclusively of the last; where the days are expressed to be "clear days" or where the term "at least" is used both the first day and the last shall be excluded;

"at least."

(2) Whenever power is conferred upon a justice of the peace to administer any oath or affirmation, or to take any affidavit or declaration, then, unless a contrary intention appears, the power may be exercised by a notary public or a commissioner for taking affidavits.

32. Repealed.

Supreme
Court
New
Brunswick.

33. Any jurisdiction, power or authority under any Act of the Parliament of Canada in force, which was vested in or exercisable by the Supreme Court of New Brunswick, or any judge thereof, shall be and continue to be vested in and exercisable by the Supreme Court of Judicature of New Brunswick, or any judge thereof: Provided that the Division of the latter Court which is called the Court of Appeal shall continue to have and shall exercise such of the said jurisdiction, power and authority as was formerly had and exercised by the Supreme Court of New Brunswick when sitting *en banc*.

Supreme
Court
Saskatche-
wan.

34. Whenever under any Act of the Parliament of Canada, provision is made by which any jurisdiction, power or authority, is conferred upon the Supreme Court of Saskatchewan, or any judge thereof, such jurisdiction, power or authority, shall be deemed to be conferred upon the Court of Appeal or Court of King's Bench for Saskatchewan or a judge of one of the said courts, as the case may require; and in case of any doubt as to whether such jurisdiction, power or authority is to be exercised by the Court of Appeal or the Court of King's Bench, or by a judge of one of those Courts, any judge of either Court shall have power to determine the same.

35. Repealed.

Interpreta-
tion
sections.

36. Definitions or rules of interpretation contained in any Act shall, unless the contrary intention appears, apply to the construction of the sections of the Act which contain those definitions or rules of interpretation, as well as to the other provisions of the Act.

DEFINITIONS

37. In every Act, unless the context otherwise requires,

"Act."

(1) "Act" as meaning an Act of a legislature, includes an ordinance of the Northwest Territories or of the Yukon Territory;

"Com-
mencement."

(2) "commencement" when used with reference to an Act means the time at which the Act comes into operation;

(3) "county" includes two or more counties united for purposes "County." to which the enactment relates;

(4) "county court" in its application to the province of Ontario "County court." includes, and in its application to the provinces of Saskatchewan and Alberta means "district court";

(5) "fiscal year" or "financial year" means, as respects moneys "Fiscal year." provided by Parliament, or any moneys relating to the Consolidated Revenue Fund of Canada, or to Dominion accounts, taxes or finance, the twelve months ending the thirty-first day of March;

(6) "Governor," "Governor of Canada," or "Governor General" "Governor." means the Governor General for the time being of Canada, or other chief executive officer or administrator for the time being carrying on the Government of Canada on behalf and in the name of the Sovereign, by whatever title he is designated;

(7) "Governor in Council," or "Governor General in Council" "Governor in Council." means the Governor General in Canada, or person administering the Government of Canada for the time being, acting by and with the advice of, or by and with the advice and consent of, or in conjunction with the King's Privy Council for Canada;

(8) "Great Seal" means the Great Seal of Canada; "Great Seal."

(9) "herein" used in any section shall be understood to relate "Herein." to the whole Act, and not to that section only;

(10) "His Majesty", "Her Majesty", "the King", "the Queen" or "His Majesty." "the Crown" means the Sovereign of Great Britain, Ireland and the British Dominions beyond the Seas;

(11) "holiday" includes Sundays, New Year's Day, the Epiphany, "Holiday." Good Friday, the Ascension, All Saints' Day, Conception Day, Easter Monday, Ash Wednesday, Christmas Day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Victoria Day, Dominion Day, the first Monday in September, designated Labour Day, Remembrance Day, and any day appointed by proclamation for a general fast or thanksgiving;

(12) "legislature", "legislative council" or "legislative assembly" "Legis- lature." includes the Lieutenant Governor in Council and also the Legislative Assembly of the Northwest Territories, as constituted previously to the first day of September, one thousand nine hundred and five, the Commissioner in Council of the Northwest Territories, and the Commissioner in Council of the Yukon Territory;

(13) "lieutenant governor" means the lieutenant governor for "Lieutenant Governor." the time being, or other chief executive officer or administrator for the time being, carrying on the government of the province indicated by the Act, by whatever title he is designated;

(14) "lieutenant governor in council" means the lieutenant gover- "Lieutenant Governor in Council." nor, or person administering the government of the province indicated by the Act, for the time being, acting by and with the advice of, or by and with the advice and consent of, or in conjunction with the executive council of such province;

(15) "magistrate" means a justice of the peace; "Magis- trate."

(16) "month" means a calendar month; "Month."

- Names. (17) the name commonly applied to any country, place, body, corporation, society, officer, functionary, person, or thing, means such country, place, body, corporation, society, officer, functionary, person or thing, although such name is not the formal and extended designation thereof;
- "Now."
"Next." (18) "now" or "next" shall be construed as having reference to the time when the Act was presented for the Royal Assent;
- "Oath." (19) "oath" includes a solemn affirmation or declaration, whenever the context applies to any person and case by whom and in which a solemn affirmation or declaration may be made instead of an oath; and in like cases the expression "sworn" includes the expression "affirmed" or "declared";
- "Person." (20) "person," or any word or expression descriptive of a person, includes any body corporate and politic, and the heirs, executors, administrators or other legal representatives of such person, according to the law of that part of Canada to which the context extends;
- "Proclamation."
"Province." (21) "proclamation" means a proclamation under the Great Seal;
- (22) "province" includes the Northwest Territories and the Yukon Territory;
- "Registrar." (23) "registrar" or "register" means and includes indifferently registrars or registers in the several provinces of Canada;
- "Shall."
"May." (24) "shall" is to be construed as imperative, and "may" as permissive;
- "Statutory declaration."
"Superior court." (25) "statutory declaration" means a solemn declaration made by virtue of the Canada Evidence Act;
- (26) "superior court" means
- (a) in the province of Ontario, the Supreme Court of Ontario;
 - (b) in the province of Quebec, the Court of King's Bench, and the Superior Court for the said province;
 - (c) in the provinces of Nova Scotia, New Brunswick and Prince Edward Island, the Supreme Court for each of the said provinces, respectively, and in the province of British Columbia the Court of Appeal of the province and the Supreme Court of British Columbia;
 - (d) in the province of Manitoba, the Court of Appeal for Manitoba and the Court of King's Bench for Manitoba;
 - (e) in the province of Saskatchewan, the Court of Appeal of the said province and the Court of King's Bench for Saskatchewan;
 - (f) in the province of Alberta, the Supreme Court of Alberta;
 - (ff) in the province of Newfoundland, the Supreme Court of Newfoundland;
 - (g) in the Yukon Territory, the Territorial Court.
- "Sureties."
"Security." (27) "sureties" means sufficient sureties, and the expression "security" means sufficient security; and, whenever these words are used, one person shall be sufficient therefor, unless otherwise expressly required;

(28) "two justices" means two or more justices of the peace, "Two justices."
assembled or acting together;

(29) "the United Kingdom" means the United Kingdom of Great Britain and Northern Ireland; "the United Kingdom."

(30) "the United States" means the United States of America; "United States."

(31) "writing", "written" or any term of like import includes words printed, painted, engraved, lithographed, photographed, or represented or reproduced by any mode of representing or reproducing words in a visible form; "writing."

(32) "year" means calendar year. "year."

38. The expression "Minister of Finance" or "Receiver General" in any Act, or in any document, means the Minister of Finance and Receiver General, and the expression "Deputy Minister of Finance" or "Deputy Receiver General" in any Act or document means the Deputy Minister of Finance and Receiver General. "Minister of Finance."

39. The expression "telegraph" and its derivatives in any Act of the Parliament of Canada, or in any Act of the legislature of any province now forming part of Canada, passed before such province entered into the Union, on any subject which is within the legislative powers of the Parliament of Canada, shall not be deemed to include the word "telephone" or its derivatives. "Telegraph."

40. Where any Act confers power to make, grant or issue any instrument, that is to say, any order in council, order, warrant, scheme, letters patent, rule, regulation, or by-law, expressions used in the instrument shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power. Expressions in instruments to have same meaning.

FISCAL YEAR—POWERS OF THE GOVERNOR IN COUNCIL

41. Whenever in any Act of the Parliament of Canada, passed before the thirteenth day of July, one thousand nine hundred and six, a day or time is designated for any purpose, and the Governor in Council is of opinion that the day or time so designated was fixed because of its relation to the fiscal year as then constituted, or that the day or time designated for such purpose should bear a corresponding relation to the fiscal year as constituted by the Act passed in the year one thousand nine hundred and six, intituled An Act respecting the Fiscal Year, chapter twelve, the Governor in Council may, by proclamation, declare that the day or the time fixed for such purpose shall be changed so that it shall bear to the fiscal year, as constituted by the said Act, the same relation as the day or time previously designated bore to the said previous fiscal year. Change of dates.

CITATION OF ACTS

42. In any Act, instrument or document, an Act may be cited by reference to its short title, if any, either with or without reference to the chapter, or by reference to the regnal year, or the year of our Lord in which it was passed. How.

(2) A citation of or reference to an Act shall, unless the contrary intention appears, be deemed to be a citation of or reference to such Act as amended. Citation includes amendments.

REFERENCES

Reference
to another
Act.

43. (1) Reference by number or letter to a section, subsection, paragraph, subparagraph, clause, subclause or other division or line of another Act shall be deemed to be a reference to such section, subsection, paragraph, subparagraph, clause, subclause or other division or line of such other Act as printed by authority of law.

Reference
to two or
more parts,
etc.

(2) Where reference is made by number or letter to two or more parts, divisions, sections, subsections, paragraphs, subparagraphs, clauses, subclauses, schedules, rules or forms in an Act, the number or letter first mentioned and the number or letter last mentioned shall both be deemed to be included in the reference.

Reference
to a part,
etc.

(3) Where in an Act reference is made to a part, division, section, schedule or form without anything in the context to indicate that a part, division, section, schedule or form of some other Act is intended to be referred to, the reference shall be deemed to be a reference to a part, division, section, schedule or form of the Act in which the reference is made.

Reference to
a subsection,
etc.,

(4) Unless the context otherwise requires, where in an Act reference is made to a subsection, paragraph, subparagraph, clause or subclause, the reference shall be deemed to be a reference to a subsection, paragraph, subparagraph, clause or subclause of the section, subsection, paragraph, subparagraph or clause, as the case may be, in which the reference is made.

Reference to
regulations,
etc.

(5) Where in an Act reference is made to regulations, without anything in the context to indicate that regulations made under some other Act are intended to be referred to, the reference shall be deemed to be a reference to regulations made under the Act in which the reference is made.

2. An Act to provide for the Publication of Statutory Regulations.

CHAPTER 50 OF THE STATUTES OF 1950

SHORT TITLE

1. This Act may be cited as *The Regulations Act*.

Short title.

INTERPRETATION

2. In this Act

Definitions.
"regulation."

(a) "regulation" means a rule, order, regulation, by-law or proclamation

(i) made, in the exercise of a legislative power conferred by or under an Act of Parliament, by the Governor in Council, the Treasury Board, a Minister of the Crown, or a board, commission, corporation or other body or person that is an agent or servant of His Majesty in right of Canada, or

(ii) for the contravention of which a penalty of fine or imprisonment is prescribed by or under an Act of Parliament,

but does not include

(iii) an ordinance of the Yukon Territory or the Northwest Territories,

(iv) an order or decision of a judicial tribunal,

(v) a rule, order or regulation governing the practice or procedure in any proceedings before a judicial tribunal, or

(vi) a rule, order, regulation or by-law of a corporation incorporated by or under an Act of Parliament unless the rule, order, regulation or by-law comes within subparagraph (ii);

(b) "regulation-making authority" means every authority authorized to make regulations and with reference to a regulation means the authority that made the regulation.

"regulation-making authority."

TRANSMISSION AND RECORDING

3. (1) Every regulation-making authority shall, within seven days after it makes a regulation, transmit copies of the regulation in English and in French to the Clerk of the Privy Council.

Copies of regulations to be transmitted to Clerk of Privy Council.

(2) A copy of a regulation transmitted to the Clerk of the Privy Council under subsection one, other than one made by the Governor in Council or the Treasury Board, shall be certified by the regulation-making authority to be a true copy of the regulation.

Copies to be certified.

4. (1) The Clerk of the Privy Council shall maintain a record in which he shall record the regulations transmitted to him under section three and the regulations made by the Governor in Council or the Treasury Board.

Recording of regulations.

Numbering of regulations. (2) Every regulation recorded under this section shall bear a number assigned to it by the Clerk of the Privy Council, but all copies of the same regulation, whether they are in English or in French, shall bear the same number.

Regulations not transmitted, etc. not invalid. 5. (1) A regulation is not invalid by reason only that it was not transmitted to the Clerk of the Privy Council, certified or recorded as required by this Act.

Citation. (2) In addition to any other mode of citation, regulations may be cited or referred to by the expression "Statutory Orders and Regulations" or "S.O.R." followed by the number thereof.

PUBLICATION

Publication in *Canada Gazette*. 6. (1) Every regulation shall be published in English and in French in the *Canada Gazette* within thirty days after it is made.

Extension of time. (2) A regulation-making authority may by order extend the time for publication of a regulation and the order shall be published with the regulation.

No conviction under unpublished regulation. (3) No regulation is invalid by reason only that it was not published in the *Canada Gazette*, but no person shall be convicted for an offence consisting of a contravention of any regulation that was not published in the *Canada Gazette* unless

- (a) the regulation was, pursuant to section nine, exempted from the operation of subsection one, or the regulation expressly provides that it shall operate according to its terms prior to publication in the *Canada Gazette*, and
- (b) it is proved that at the date of the alleged contravention reasonable steps had been taken for the purpose of bringing the purport of the regulation to the notice of the public, or the persons likely to be affected by it, or of the person charged.

REPORT TO PARLIAMENT

Report to Parliament. 7. Every regulation shall be laid before Parliament within fifteen days after it is published in the *Canada Gazette* or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof.

JUDICIAL NOTICE

Judicial notice. 8. (1) A regulation that has been published in the *Canada Gazette* shall be judicially noticed.

Proof. (2) In addition to any other mode of proof, evidence of a regulation may be given by the production of the *Canada Gazette* purporting to contain the text thereof.

Publication in consolidation deemed publication in *Canada Gazette*. (3) For the purposes of this section the publication of a regulation in a consolidation or supplement published pursuant to section nine shall be deemed to be publication in the *Canada Gazette*.

REGULATIONS

G. in C. may make regulations. 9. (1) The Governor in Council may make regulations

- (a) prescribing the powers and duties of the Clerk of the Privy Council under this Act;

- (b) prescribing the system of recording, indexing and preparation for the publication of regulations;
- (c) providing for the preparation and publication of consolidations of regulations and for the preparation and publication of supplements to such consolidations; and
- (d) for carrying out the purposes and provisions of this Act.

(2) The Governor in Council may by regulation exempt any ^{Exemption.} regulation or class of regulations from the operation of section three, section four, subsection one of section six, and section seven, but every regulation made under this subsection shall be published in English and in French in the *Canada Gazette* within thirty days after it is made and shall be laid before Parliament within fifteen days after it is published in the *Canada Gazette* or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof.

REPEAL

10. The enactments set out in column one of the Schedule are Repealed to the extent specified in column three of the Schedule.

COMING INTO FORCE

11. This Act shall come into force on a day to be fixed ^{Coming} by proclamation of the Governor in Council. ^{into force.} *

(Schedule omitted)

* The Act came into force on the first day of January, 1951.

3. Regulations under section nine of the Regulations Act.

ESTABLISHED BY ORDER IN COUNCIL P.C. 6173 OF
DECEMBER 21, 1950

1. In these regulations,
"Act" means The Regulations Act.

2. (1) The *Canada Gazette*, shall continue to be printed in two parts, namely, Part I and Part II.

(2) Part I shall contain the matter which, prior to January 1, 1947, was published in the *Canada Gazette*, except regulations as defined in paragraph (a) of section two of the Act.

(3) Part II shall contain regulations as defined in paragraph (a) of section two of the Act.

3. (1) Part II of the *Canada Gazette* shall continue to be published by the King's Printer under the title "Statutory Orders and Regulations" on the second and fourth Wednesday of each month in a form analogous to that of the Statutes of Canada and in separate editions in the English and French languages.

(2) Copies of Part II and of all consolidations of regulations published in pursuance of section eight hereof shall be distributed without cost to Provincial Attorneys-General and to such other persons as are entitled to receive copies of the Statutes of Canada, and may be sold to the general public upon such conditions as may be determined from time to time.

4. Two copies of every proposed regulation shall, before it is made, be submitted in draft form to the Clerk of the Privy Council who shall, in consultation with the Deputy Minister of Justice, examine the same to ensure that the form and draftsmanship thereof are in accordance with the standards established in the Statutes of Canada.

5. A Committee, to be known as the Advisory Committee on Statutory Regulations, consisting of the Clerk of the Privy Council as chairman and officers of the Department of Justice and of the Privy Council Office and such other officers of the Public Service as may be required, shall when necessary consider and report on matters relating to the preparation and publication of regulations.

6. For the purposes of section three of the Act, three copies in English and one in French of every regulation shall be transmitted to the Clerk of the Privy Council, and one of the copies in English shall be certified as prescribed.

7. When received and recorded pursuant to sections three and four of the Act, regulations shall have affixed to them by the Clerk of the Privy Council the designation "S.O.R." followed by an appropriate number.

8. Every five years, or at such other interval as may be determined by the Governor in Council, a consolidation of all regulations then in force shall be published.

9. During the periods between consolidations, the Clerk of the Privy Council shall cause to be published quarterly a consolidated index and table of all regulations and amendments, revocations or other modifications made since the last preceding consolidation.

10. In pursuance of section nine of the Act the following regulations or classes of regulations are hereby exempted from the operation of section three, section four, subsection one of section six and section seven of the Act:

Orders of the Air Transport Board which do not apply to all carriers or to a class or classes of carriers.

Orders made by the Atomic Energy Control Board under the authority of the Atomic Energy Regulations of Canada.

Orders made under section eleven of The Canada Grain Act and Orders as defined in section sixteen of the said Act.

By-laws of the Canadian Broadcasting Corporation made under section twelve of The Canadian Broadcasting Act, 1936.

By-laws, rules and regulations made by the Canadian National Railways under sections two hundred and ninety to two hundred and ninety-seven inclusive of the Railway Act.

The Penitentiary Regulations made in pursuance of section seven of The Penitentiary Act, 1939.

Orders made by the Foreign Exchange Control Board under section forty-eight of The Foreign Exchange Control Act.

Orders made by the Postmaster General under section seven of the Post Office Act solely for the guidance and government of the officers or other persons employed in the postal service.

Part II of the Rules and Regulations of the Royal Canadian Mounted Police, known as "Commissioner's Standing Orders".

All orders, decisions and directions made or given by any executive officer of the Wartime Prices and Trade Board or by any Administrator, Deputy-Administrator, Commissioner or other official or authority acting for or on behalf of the Wartime Prices and Trade Board in pursuance of any power conferred by any General Order or Regulation made by the Governor in Council and administered by the Wartime Prices and Trade Board, addressed to a particular person or relating to a particular property and requiring such person to do or to refrain from doing any thing, or exempting any person, transaction, property, goods or services wholly or partly from the operation of any such General Order or Regulation.

Regulations for the organization, training, discipline, efficiency, administration and good government of the Canadian Forces, that are restricted in their effect to members of or persons attached to the Canadian Forces.

Orders of the Canadian Wheat Board as specified hereunder:

- (a) Orders entitled "Instructions to the Trade";
- (b) Orders addressed to particular persons or corporations only, requiring them to do or to refrain from doing specified things;
- (c) Orders adjusting grain storage quotas at delivery points according to the availability of storage space from time to time;
- (d) Orders providing for the allocation of railway cars available for the shipment of grain at delivery points.

Orders made under subsection one of section two of The Emergency Powers Act with respect to particular persons or classes of persons where the publication of such orders may be prejudicial to the security or defence of Canada, but a copy of every such order shall, forthwith after it is made, be filed with the Clerk of the Privy Council and shall be kept in a register in his office.

4. Rules of The House of Commons

The following rules as to the preparation and printing of Bills were adopted by the House of Commons of Canada on the 14th day of June, 1923:

1. In the preparation of Bills amending existing enactments the amendments shall not ordinarily be made by clauses which add or leave out words or substitute words for others, but by clauses which re-enact the section, subsection or other minor division, as it is amended.
2. In the text of the Bill, on the left hand page, new matter shall be indicated by such typographical means as may best suit the varying circumstances of each case, such as brackets, italics, underlining, asterisks, etc. Opposite each clause, on the right hand page, the enactment amended thereby, or so much thereof as is essential, shall be printed with the proposed changes to be made therein similarly indicated.
3. When a clause repeals an existing section, subsection or other minor division of a section, that section, subsection or division, or so much thereof as is essential, shall be printed opposite the clause.
4. A memorandum by the draftsman explaining briefly the reasons for each clause, shall be appended to the Bill, or distributed therewith. Whenever practicable the memorandum shall be printed on the right hand page of the Bill, in paragraphs opposite the clauses referred to and numbered correspondingly.
5. The above rules shall also as far as practicable apply to the reprinting of Bills.

5. Legislative Procedure

The following procedure has been laid down to govern the preparation and submission of all government legislation intended for introduction in the Parliament of Canada:

1. Departments and agencies of government wishing to have legislation introduced should submit, for each measure proposed, an explanatory memorandum to the Cabinet setting forth the intent and purpose of the proposed bill and describing the main questions of policy involved. Whenever possible, the memorandum should also indicate the degree of urgency and the probable length of the bill. (Thirty-five copies of such explanatory memoranda should be forwarded to the Secretary to the Cabinet.)

2. Such explanatory memoranda to the Cabinet should not be in the form of a draft bill but should provide a brief and clear outline of the substantive amendments or new proposals recommended. Purely technical amendments need not normally be set forth in any detail.

3. In preparing a memorandum to the Cabinet, the department should consult other departments likely to be interested, and, when proposals involve expenditures, officials of the Treasury. Memoranda should indicate that such consultation has taken place.

4. So that sufficient time may be allowed for the preparation of the government's legislative programme before each session of Parliament, all government departments and agencies should be guided by the following rules:

- (a) memoranda relating to legislative amendments or to new legislative proposals, other than budget proposals, should be forwarded to the Secretary to the Cabinet *as far in advance of each session as possible*, but, in any event, not later than fifteen days prior to the opening of each session;
- (b) memoranda relating to legislation involving questions of policy which could not be foreseen in time to comply with the provisions of paragraph (a) should be forwarded to the Secretary to the Cabinet as soon as the need for such legislation is apparent; and
- (c) memoranda relating to purely technical legislative amendments will not normally be considered by the Cabinet unless received by the Secretary at least fifteen days before the opening of each session of Parliament.

5. When Cabinet has approved the proposals outlined in a memorandum, the deputy head of the department should forthwith request the Department of Justice to assist in the preparation of the proposed measure. No such request should be made to the Department of Justice until the policy involved has been approved by the Cabinet. The Department of Justice should be provided with the memorandum as approved by the Cabinet.

6. It is the responsibility of the originating department to consult with other interested departments during the drafting stages and to furnish such departments with copies of successive drafts of any bill.

7. When the form of a draft measure has been approved by the Department of Justice, the originating department should transmit it to the Law Clerks for printing. The letter of transmittal should state that the draft has been approved by the Department of Justice.

8. When any measure is to be preceded by a resolution, the Law Clerks shall prepare such a resolution in the appropriate form.

9. When the measure has been printed, forty-five copies thereof (with the resolution, if any, to precede the same) shall be transmitted by the Law Clerks to the Secretary to the Cabinet for consideration by the government. At the same time copies shall be sent to the originating department and to the Department of Justice. It is the responsibility of the originating department to provide other interested departments with copies as required.

10. The Secretary to the Cabinet will transmit measures as approved by the Cabinet to the Clerk of the Senate or to the Clerk of the House of Commons, as the case may be, indicating that they have been approved for introduction in Parliament. Approval of the Cabinet will be indicated by the initials of a Minister present.

11. The Minister of the originating department will arrange for consultation with the Department of Justice with respect to the legality and form of any alteration proposed to be made in a measure subsequent to such measure having been approved by Cabinet.

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